



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JAMES E. MCGREEVEY
GOVERNOR

IDA L. CASTRO
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD**

August 11, 2004

**Ida L. Castro, Chairwoman
Flavella Branham
John Currie**

AUGUST 11, 2004

A regular meeting of the Merit System Board was held on Wednesday, August 11, 2004, in Trenton, New Jersey.

PRESENT: Chairwoman Ida L. Castro, Merit System Board Members, Flavella Branham, and John Currie; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Chairwoman Ida L. Castro opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 11, 2003, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

STATE

The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.

DATE: July 20, 2004

TO: Ida L. Castro, Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF THE TREASURY

The Department of the Treasury requests the re-activation of a department-specific title for use in the Division of Property Management and Construction.

The re-activated title is intended to classify staff performing para-professional tasks associated with property management services. It will serve as a para-professional bridge title between the non-professional support title, Technical Assistant 3, and the entry-level professional title, Property Management Services Specialist 4.

The Department requests a concurrent title name, class code and workweek change. The name change is requested to appropriately identify this title as the para-professional level of the series. The change in workweek from 40-hours to NE is consistent with the operational needs of the unit. The change in salary range from 16 to 15 is consistent with the requested workweek assignment.

The Department proposes the elimination of an existing title in exchange for the approval of the re-activation.

TITLE RE-ACTIVATION, VERBIAGE, WORKWEEK & RANGE CHANGE

Effective: 03/20/04

FROM:
Contract Report Assistant
A16-52902 Competitive D 40/12

TO:
Property Management Services Technician
A15-52902 Competitive D NE/12

TITLE INACTIVATION

Effective: 03/20/04

Technical Assistant Property Management

A13-54978 Competitive D 35/12

The Merit System Board recorded the confidential appointments, copies of which are attached hereto and made a part hereof.

DATE: July 7, 2004

TO: Merit System Board

FROM: Marjorie Schwartz
Assistant Commissioner
State and Local Operations

SUBJECT: N.J.S.A 11A:3-4(h). Confidential Appointment

Department of Environmental Protection

Mr. Thomas Bowen appointed as Confidential Assistant effective June 26, 2004, salary of \$70,000.00 per annum. The position is assigned to the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

Verification has been made of the number of positions allocated and the number of persons holding Confidential Appointments in this agency and Commissioner Bradley M. Campbell is authorized to make the subject appointment.

Recommendation: Record appointment in the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

The appointment of this Confidential Assistant does not exceed the entitlement authorized under N.J.S.A. 11A:3-4(h).

Replacing – William Purdie

Vacant Position Number – 094144
Effective Date – February 22, 2003

DATE: August 2, 2004

TO: Merit System Board

FROM: Marjorie Schwartz
Assistant Commissioner
State and Local Operations

SUBJECT: N.J.S.A. 11A:3-4(h) Confidential Appointment

Department of Human Services

Ms. Cheryl E. Blodgett appointed as Confidential Assistant effective July 27, 2004, salary of \$75,000.00 per annum. The position is assigned to the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

Verification has been made of the number of positions allocated and the number of persons holding Confidential Appointments in this agency and Commissioner James Davy is authorized to make the subject appointment.

Recommendation: Record appointment in the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

Replacing – Reginald Lewis

Vacant Position Number – 031897

Effective Date – February 6, 2004

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Scott Holliday, Senior Correction Officer, East Jersey State Prison, Department of Corrections, suspension.

Charles Jankech, County Correction Sergeant, Department of Adult Corrections, County of Middlesex, demotion.

Karen Rouse, Institutional Attendant, Preakness Hospital, County of Passaic, suspension.

Elizabeth Dawkins-Stevenson, Senior Correction Officer, East Jersey State Prison, Department of Corrections, two suspensions.

Dorothy Thompson, Personnel Aide 2, Vineland Developmental Center, Department of Human Services, indefinite suspension.

John Tuite, Systems Analyst, Department of Operations and Facilities, County of Union, good faith layoff.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

George Ambridge, Senior Correction Officer, East Jersey State Prison, Department of Corrections, suspension.

Juan Corbacho, Police Officer, Police Department, City of Newark, suspension.

Randy Godet, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, resignation not in good standing.

Brandon Hill, Laborer, Department of Public Works, County of Atlantic, release at the end of the working test period.

Paulette Ward, Senior Clerk Typist, Montclair State University, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Herbert Berman
Division of Youth and Family Services
Department of Human Services

Release at the end of the working test period

In the Matter of Karen Bynoe
Green Brook Regional Center
Department of Human Services
Removal

In the Matter of Ping Chen
Montclair State University
Release at the end of the working test period

In the Matter of Garry DiMattia
Riverfront State Prison
Department of Corrections
Removal

In the Matter of John Gebala
East Jersey State Prison
Department of Corrections
Resignation not in good standing

In the Matter of Robert Gordon
County of Morris
Morris View Nursing Home
Suspension and demotion

In the Matter of Matthew Henderson
Edna Mahan Correctional Facility for Women
Department of Corrections
Suspensions

In the Matter of Kathy Jenkins
County of Cumberland
Department of Corrections
Removal

In the Matter of Rashad Johnson
City of East Orange
Police Department
Release at the end of the working test period

In the Matter of Michael Laurio
Bergen County Board of Social Services
Suspension

In the Matter of Cortez Leatherberry
City of Cape May City
Department of Public Works
Removal

In the Matter of Debra Len McKiver
Jersey City Public School
Release at the end of the working test period

In the Matter of Darrin Middlebrook
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Erline Morris
Montclair State University
Suspension

In the Matter of Arlene Olster
State of New Jersey Judiciary Burlington Vicinage
Release at the end of the working test period

In the Matter of Gail Pearson
Department of Judiciary Union County
Removal

In the Matter of Tyrone Reevey
City of Long Branch
Department of Public Works and Parks
Removal

In the Matter of David Richardson

Department of Human Services
Release at the end of the working test period

In the Matter of Nicholas Townsend
City of Asbury Park
Department of Public Safety
Suspension

In the Matter of Charles Vest
South Woods State Prison
Department of Corrections
Suspension

In the Matter of Anwar West
Brisbane Child Treatment Center
Removal

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT

ACTION: The Merit System Board acknowledged the settlements.

A-2 ARNOLD BORRERO

Arnold Borrero, Police Officer, City of Newark, Police Department, 20-day suspension on charges of conduct unbecoming a public employee and violation of Police Department rules regarding conduct in public and private, and language.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

ACTION: The Merit System Board directed that this matter be held over.

A-3 JAMES BREWER

James Brewer, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, 60-day suspension on the charge of leaving an assigned work area without out permission creating a danger to persons.

Recommendation of the Administrative Law Judge – Reverse the 60-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-4 JOHN CARTER (CONSOLIDATION)

John Carter, Police Officer, Township of Bordentown, Police Department, 1)15-day and 45-day suspensions on charges of abuse of sick time, excessive absenteeism neglect of duty and unauthorized absence, 2) 15-day suspension on charges of neglect of duty, unauthorized absence, and violation of Bordentown Police Department rules and regulations and 3) removal on charges of incompetency, inefficiency a failure to perform duties, conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Modify the initial 15-day and 45-day suspensions to a 30-day suspension; modify the second 15-day suspension to a ten-day suspension; and uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-5 SONYA FREEMAN

Sonya Freeman, Senior Data Entry Machine Operator, Department of the Treasury, 20-day suspension on charges of insubordination, conduct unbecoming a public employee, misuse of public property, including motor vehicles and violation of the Department policy on workplace violence, failure to follow established procedures and creating a hostile work environment.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-6 BARBARA GREEN

Barbara Green, an Executive Assistant 2 with the Department of Corrections appeals the determination of the Director, Equal Employment Division, stating that she failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace. It is noted that at the time of the complaint the appellant was a Program Development Specialist 1 at East Jersey State Prison.

Recommendation of the Administrative Law Judge – Deny the appeal.

ACTION: The Merit System Board directed that this matter be remanded to the Office of Administrative Law.

A-7 MALIKA HALE

Malika Hale, Customer Service Representative, Department of Transportation, six-month suspension on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Modify the six-month suspension to a three-month suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-8 JOSEPH RENNA

Joseph Renna, Public Participation Specialist, County of Union, Department of Economic Development, 45-day suspension on charges of incompetency, inefficiency or failure to perform duties.

Recommendation of the Administrative Law Judge – Reverse the 45-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-9 JAMES ROBINSON

James Robinson, Supervisor Building Services, County of Burlington, Department of Building and Grounds, six-day suspension on charges of incompetency inefficiency and failure to perform duties, conduct unbecoming a public employee and endangering the welfare of fellow employees.

Recommendation of the Administrative Law Judge – Modify the six-day suspension to a written reprimand.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-10 JOHN RYDER

John Ryder, Sheriff's Officer, County of Gloucester, Sheriff's Department, 60-day suspension on charges of conduct unbecoming a public employee and violation of Gloucester County rules regarding conduct.

Recommendation of the Administrative Law Judge – Modify the 60-day suspension to a 30-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-11 VIRGINIA RYNONE

Virginia Rynone, Recreation Assistant, Veterans Memorial Home at Menlo Park, Department of Military and Veterans' Affairs, 20-day suspension on the charge of insubordination.

Recommendation of the Administrative Law Judge – Modify the 20-day suspension to a 15-day suspension.

ACTION: The Merit System Board modified 20-day suspension to a written warning.

A-12 PAULA VAN PRAAG

Paula Van Praag, Human Services Specialist 1, County of Monmouth, Department of Human Services, return to a formerly held permanent title at the end of the working test period effective April 23, 2003.

Recommendation of the Administrative Law Judge – Uphold the return to a formerly held permanent title.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-13 RONALD DORN

Ronald Dorn, Park Maintenance Worker, Township of Pemberton, Department of Public Works, removal effective January 22, 2003, on charges of insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board modified the removal to a six-month suspension.

A-14 DENNIS NICKSON

Dennis Nickson, Maintenance Repairer, Atlantic City Housing Authority, removal effective October 6, 2003, on charges of conduct unbecoming a public employee, misuse of public property and theft of public property.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-15 CHRISTINE TRIPP

Christine Tripp, Cottage Training Technician, Greenbrook Regional Center, Department of Human Services, removal effective June 18, 2003, on charges of physical abuse of a client and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

SECTION B – MISCELLANEOUS MATTERS

B-1 DANIEL AZACETA

Daniel Azaceta, represented by Bruce Leder, Esq., appeals his rejection as a Fire Fighter candidate by the City of Hoboken and its request to remove his name from the eligible list for Fire Fighter (M2054A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-2 NOEL A. BANKS

Noel A. Banks, represented by Daniel J. Zirrieth, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2054A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-3 DAVID BROWN

David Brown, represented by Joffrey Hill, Esq., appeals the removal of his name from the (S9999A) eligible list for the title of Police Officer, City of Newark, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-4 DEAN CLARIZIO

Dean Clarizio, represented by Kevin Kiernan, Esq., appeals the removal of his name from the (S9999D), eligible list for the title of County Police Officer, Essex County, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-5 ANTONIO E. COSTANTINO

Antonio E. Costantino, represented by William D. Sayers, Esq., appeals the removal of his name from the (S9999B) eligible list for the title of County Correction Officer, Essex County, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-6 ALBERT DEANGELO, JR.

Albert DeAngelo, Jr., represented by Peter J. Cresci, Esq., appeals his rejection as a County Correction Officer candidate by the County of Hudson and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-7 SEAN T. DEL

Sean T. Del appeals the removal of his name from the (S9999B) eligible list for the title of Sheriff's Officer, Hudson County, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-8 JAMAL D. DIXON

Jamal D. Dixon appeals his rejection as a County Correction Officer candidate by the County of Hudson and its request to remove his name from the eligible list for County Correction Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-9 VIVIAN S. GHOBRIAL

Vivian S. Ghobrial appeals the removal of her name from the (S9999D) eligible list for the title of Sheriff's Officer, Hudson County, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-10 ERIC A. HAMMELL

Eric A. Hammell, represented by Todd A. Wallman, Esq., appeals his rejection as a County Correction Officer candidate by the County of Ocean and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-11 MARIE C. JARDINE

Marie C. Jardine appeals the removal of her name from the (S9999B) eligible list for the title of Police Officer, Borough of Fort Lee, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-12 ALEXANDER L. JENKINS

Alexander L. Jenkins, represented by Meldon D. Jenkins-Jones, Esq., appeals the removal of his name from the (S9999D), eligible list for the title of Correction Officer Recruit, Department of Corrections, on the basis of psychological unfitness.

ACTION: The Merit System Board directed that this appeal be denied.

B-13 MARISA MONTALVO

Marisa Montalvo, represented by Anthony Scordo, Esq., appeals her rejection as a Police Officer candidate by the City of Newark and its request to remove her name from the

eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-14 VINCENT SANTANIELLO

Vincent Santaniello, represented by Stephen B. Hunter, Esq., appeals his rejection as a Sheriff's Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Sheriff's Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-15 JED M. SCHAPPERT

Jed M. Schappert, represented by Christopher G. Fusco, Esq., appeals his rejection as Sheriff's Officer candidate by the Hudson County Sheriff's Department and its request to remove his name from the eligible list for Sheriff's Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-16 ARNOLD SHEPHRD

Arnold Shepherd appeals the removal of his name from the (S9999D) eligible list for the title of Correction Officer Recruit, Department of Corrections, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-17 DAWUD SMITH

Dawud Smith, represented by Anthony Fusco, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-18 JOHN R. TRIVIGNO, JR.

John R. Trivigno, Jr., represented by John D. Coronato, Esq., appeals his rejection as a County Correction Officer candidate by the County of Ocean and its request to remove his name from the eligible list for County Correction Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-19 DI ERICA WOODS

Di Erica Woods appeals the removal of her name from the (S9999D) eligible list for the title of Correction Officer Recruit, Department of Corrections, on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-20 CHARLES BILLINGTON

Charles Billington, a Correction Sergeant with South Woods State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-21 CESAR MEJIA

Cesar Mejia, a Repairer with the Richard Stockton College of New Jersey, represented by Robert E. Glaymon, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-22 DEEDRA PONDER

Deedra Ponder, a Senior Correction Officer with the Edna Mahan Correctional Facility for Women, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-23 WILLIAM WENTZ

William Wentz, a Senior Correction Officer with Southern State Correctional Facility, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-24 CLINTON DANIEL

The Borough of Point Pleasant Beach requests that the February 15, 2001 certification for Police Officer (S9999A), Point Pleasant Beach, be amended to reflect the appointment of Clinton Daniel as a Police Officer effective May 15, 2001.

ACTION: The Merit System Board granted the request.

B-25 PAUL MIKOLAS

Paul Mikolas, represented by Thomas J. Cammarata, Esq., appeals the decision of Human Resource Information Services, which upheld the appointing authority's bypass of his name on the eligible list for County Correction Lieutenant (PC2519E), Middlesex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-26 ALEXIS RAMIREZ

Alexis Ramirez appeals the determination of the Division of Human Resource Information Services upholding his removal from the list for Police Officer (S9999D), City of Camden, on the basis of an unsatisfactory background report.

ACTION: The Merit System Board directed that this appeal be denied.

B-27 MANAGEMENT ASSISTANT (C6627D), MONMOUTH COUNTY

The matter of whether the appointing authority should be granted permission not to make an appointment from a certification for Management Assistant (C6627D), Monmouth County, has been referred to the Merit System Board for review.

ACTION: The Merit System Board granted the request and directed that selection costs be presently deferred.

B-28 SENIOR MAINTENANCE REPAIRER (M6315B), PASSAIC VALLEY WATER COMMISSION

The matter of whether the appointing authority should be granted permission not to make an appointment from a certification for Senior Maintenance Repairer (M6315B), has been referred to the Merit System Board for review.

ACTION: The Merit System Board granted the request but assessed selection costs.

B-29 TRUCK DRIVER (M9696C) AND (M9966D), WEST NEW YORK

The appointing authority requests permission not to make an appointment from the certification for Truck Driver (M9696C) and (M9966D), West New York.

ACTION: The Merit System Board granted the request but assessed costs.

B-30 CONSTRUCTION OFFICIAL (M2143A), BOROUGH OF POINT PLEASANT BEACH

The Borough of Point Pleasant Beach, represented by Thomas G. Cannon, Esq., appeals the decision of the Division of Human Resource Management, that an appropriately licensed individual performing the duties of Building Sub-Code Official and Fire Protection Sub-Code Official, while also holding the appropriate license and performing the duties of Construction Official within the same jurisdiction, will not be permitted to simultaneously hold two Civil Services titles, that of Construction Official and Building Sub-Code Official/Fire Protection Sub-Code Official. Additionally, the Borough appeals the decision of the Division of Human Resource Information Services that certification OL010122 had not been properly disposed of since the individuals on the certification were only offered part-time positions.

ACTION: The Merit System Board directed that these appeals be denied.

B-31 JOHN JOSEPH SPARACIO

John Joseph Sparacio, a former Supervisor of Educational Programs 2 with the Juvenile Justice Commission, Department of Law and Public Safety, appeals the determination of the Attorney General, which found that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-32 BEVERLY D. CONNELLY FIGUEROA

Beverly D. Connelly Figueroa, a Sheriff's Officer with the County of Union, represented by Michael Farhi, Esq., petitions the Merit System Board for enforcement of the Merit System Board decision rendered on September 12, 2000.

ACTION: The Merit System Board denied the request.

B-33 GLENN CRANE

Glenn Crane, a former Supervising Public Safety Telecommunicator with the City of Newark, represented by Colin M. Lynch, Esq., requests Merit System Board review of his return to his permanent title of Fire Alarm Operator, effective May 28, 2004.

ACTION: The Merit System Board granted permanent status as a Chief Fire Alarm Operator, effective February 3, 1995, and awarded the appellant differential back pay from May 28, 2004 until the date of his reinstatement to the Chief Fire Alarm Operator title.

B-34 MARK HINGSTON

Mark Hingston, a County Correction Officer with Monmouth County, represented by John J. Sheehy, Esq., seeks Merit System Board resolution of a dispute concerning back pay. The appellant also requests counsel fees.

ACTION: The Merit System Board granted back pay in the gross amount of \$53,669.74 but denied the request for counsel fees.

B-35 WILLIAM MAKOVITZ

The Director, Division of Human Resource Management, petitions the Merit System Board for the retroactive permanent appointment of William Makowitz to the title of Deputy Police Chief, Township of Parsippany-Troy Hills, effective April 2, 2001.

ACTION: The Merit System Board granted the request in part and directed that the Division of Selection Services issue a promotional announcement for the title of Deputy Police Chief in the Township of Parsippany-Troy Hills with a retroactive closing date of April 2, 2001.

B-36 LEWIS SPRINGER, JR.

Lewis Springer, Jr., an Inspector with the Casino Control Commission petitions the Merit System Board for relief, pursuant to N.J.S.A. 11A:2-24 and N.J.A.C. 4A:2-5.1, from alleged reprisal from his employer. The appellant also appeals the Casino Control Commission's denial of his request for sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that these appeals be denied.

B-37 ELBERT WALKER

Elbert Walker, represented by Arnold Shep Cohen, Esq., petitions the Merit System Board for restoration of prior service in order for his personnel record to reflect continuous service for future layoff purposes.

ACTION: The Merit System Board granted the request.

B-38 ROBERT BITTNER

Robert Bittner, a Police Sergeant with the Burlington Township Police Department, represented by Catherine M. Elson, Esq., petitions the Merit System Board to re-open the matter of *In the Matter of Robert Bittner* (MSB, decided June 25, 2003).

ACTION: The Merit System Board denied the request.

B-39 ALAN MACHBITZ

Alan Machbitz, a Program Development Specialist 1 (Youth and Family Services), with the Division of Youth and Family Services, Department of Human Services, represented by Vikki Thurston, Executive Vice President, CWA Local 1037, petitions the Merit System Board for reconsideration of the final decision rendered on March 24, 2004, denying him sick leave injury (SLI) benefits from July 8, 2003 to December 15, 2003.

ACTION: The Merit System Board denied the request for reconsideration.

B-40 TYRONE MOZELLE

Tyrone Mozelle, a former Laborer with Atlantic City, petitions the Merit System Board for reconsideration of the final administrative determination, rendered April 16, 2004, by the Director of Merit System Practices and Labor Relations, denying his request for a hearing concerning the appeal of his removal and resignation not in good standing, due to the untimely filing of his appeal pursuant to N.J.S.A. 11A:2-15 and N.J.A.C. 4A:2-2.8.

ACTION: The Merit System Board denied the request for reconsideration.

B-41 WILLIAM SCOVZEN

Sanford R. Oxfeld, Esq., on behalf of William Scovzen, petitions the Merit System Board for reconsideration of the decision rendered on February 11, 2004, which found that he was not properly awarded seniority points for the promotional examination for Supervising Family Service Specialist 1 (PS8281K), Division of Youth and Family Services and ordered that the subject list be revived at the time of the next certification in order for his name to be considered for prospective employment opportunities.

ACTION: The Merit System Board denied the request.

B-42 MARCELLA FREIDMAN

Marcella Friedman, formerly a Communications Officer, Department of Corrections, represented by Mandy R. Steele, Esq., requests Merit System Board review of a five day suspension.

ACTION: The Merit System Board granted the request in part.

B-43 ALONZO RICE

The appeal of Alonzo Rice, a Custodial Worker with the Newark School District, of his removal effective January 30, 2001, on charges, was heard by Administrative Law Judge Irene Jones (ALJ), who rendered her initial decision on June 10, 2004. At its meeting on July 14, 2004, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board reversed the removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-44 EUGENE VERDELL, JR.

Eugene Verdell, Jr., a Residential Living Specialist, Mental Health, with the Department of Military and Veterans Affairs, of his removal effective April 18, 2002 on charges, was heard by Administrative Law Judge Caridad F. Rigo, (ALJ), who rendered her initial decision on May 20, 2004, upholding the removal. At its meeting on July 14, 2004, the Merit System Board modified the removal to a resignation in good standing. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-45 MICHAEL WILSON

The appeal of Michael Wilson, a Correction Sergeant with Northern State Prison, Department of Corrections, of his removal, effective April 29, 2003, on charges, was heard by Administrative Law Judge (ALJ) Richard McGill, who rendered his initial

decision on May 18, 2004. At its meeting on July 14, 2004, the Merit System Board adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-46 EDWARD J. ARCHAMBAULT

Edward J. Archambault appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the open competitive examination for Management Improvement Specialist 2 (S6670E).

ACTION: The Merit System Board directed that this appeal be denied.

B-47 ANGIE ARGUELLES

Angie Arguelles appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Technical Support Specialist 1, OIT (PS0207U), Office of Information Technology.

ACTION: The Merit system Board directed that this appeal be granted.

B-48 RHONDA R. ARMSTRONG

Rhonda R. Amrstrong appeals the decision of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Medical Services Assistant (PS8587K), Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-49 MICHAEL ASSON

Michael Asson appeals the determination of the Division of Selection Services that he did not meet the education requirement for the promotional examination for Project Engineer Planning (PS7029T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-50 RANDY A. BERAN

Randy A. Beran appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the open competitive examination for Behavior Modification Program Technician (S0154E), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-51 CYNTHIA BLOOM-CRONIN

Cynthia Bloom-Cronin appeals the determination of the Division of Selection Services that she did not meet the education requirement for the promotional examination for Engineer Specifications Transportation (PS7008T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-52 RENEE C. BOOZE-WESTCOTT AND ANNA L. BATTLE

Renee C. Booze-Westcott and Anna L. Battle appeal the decision of the Division of Selection Services that found that they were below the minimum requirements for the promotional examination for Program Development Specialist 1 (PS86518H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that these appeals be denied.

B-53 POPI BOUTSIKARIS AND MARLENE LEWIS

Popi Boutsikaris and Marlene Lewis appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Instructor Counselor (PS6710I), Mid-State Correctional Facility.

ACTION: The Merit System Board directed that these appeals be granted.

B-54 NAYAN BRAHMBHATT

Nayan Brahmhatt appeals the determination of the Division of Selection Services that he did not meet the education requirement for the promotional examination for Assistant Engineer Electrical (PS6887T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-55 DONNA BRIGHT

Donna Bright appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Administrative Clerk (PC1754E), Warren County.

ACTION: The Merit System Board directed that this appeal be granted.

B-56 GERALDINE BUCCANFUSO, ET AL.

Geraldine Guccanfuso, Patricia Gore and Susan Shipp appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in education and/or experience for the promotional examination for Program Support Specialist 2, Assistance Programs (PS7421K), Department of Human Services.

ACTION: The Merit System Board directed that these appeals be denied.

B-57 JOSEPH CHIRICO, JR.

Joseph Chirico, Jr. represented by James M. Curran, Esq., appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Mason (PC1578D), Middlesex County.

ACTION: The Merit System Board directed that this appeal be granted.

B-58 BEVERLY A. COLEMAN AND KATHLEEN A. GOAT

Beverly A. Coleman and Kathleen A. Goat appeal the determinations of the Division of Selection Services, which found that they did not meet the education and/or experience requirements for the promotional examination for Coordinator, Health Projects 3 (PS5986H) and (PS9687H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that these appeals be granted.

B-59 LOUIS CONTE, ET AL.

Louis Conte, John Evangelista, Sarala Naik, Frank Pallarino, Deiby Reelee, and Marco Valdivia appeal the determination of the Division of Selection Services, which found that they were below the minimum requirements in education and/or experience for the open competitive examination for Administrative Analyst 1 (Data Processing) (S3019E).

ACTION: The Merit System Board directed that these appeals be denied.

B-60 KEVIN COOPER

Kevin Cooper appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Therapy Program Assistant (PS9180K), Senator Garrett W. Hagedorn Center for Geriatrics.

ACTION: The Merit System Board directed that this appeal be granted.

B-61 CHUVONDA COVINGTON-LEACH, ET AL.

Chuvonda Covington-Leach, Reginald Darby, Joseph DeMarco, William Gargiles, Scott Groninger, Timothy Miller, Wanda Minch, Thomas Muir and Stanley Terrell, represented by Jim Roche, PBA, Local 199, appeal their ineligibility for the County Correction Sergeant (PC2530E), Union County examination.

ACTION: The Merit System Board directed that these appeals be granted.

B-62 CARMEN CRUZ, ET AL.

Carmen Cruz, Cheryl Dennis, Valerie Morrison, Dawn Nelson, Ruth Pierce, Mridula Puri, Romona Rush, Ellen Russell, Audra Saunders and Donna Vazquez appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Senior Therapy Program Assistant (PS8239K), Vineland Developmental Center.

ACTION: The Merit System Board directed that these appeals be granted.

B-63 SHERELLE DEANS, ET AL.

Sherelle Deans, Linda Love, Rose Miller, Jennifer Ramsey, and Janette Roxborough appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Therapy Program Assistant (PS8450K), Woodbine Developmental Center.

ACTION: The Merit System Board directed that these appeals be granted.

B-64 PATRICIA DECARLO AND KATHLEEN L. HOGAN

Patricia DeCarlo and Kathleen L. Hogan appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Administrative Assistant 1 (PS8084H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that these appeals be granted.

B-65 REKHA DHAVAI

Rekha Dhavai appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Field Representative, Senior Citizens Program (C0467E), Middlesex County.

ACTION: The Merit System Board directed that this appeal be granted.

B-66 KYLE DONOVAN

Kyle Donovan appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the open competitive examination for Quality Assurance Technician (S9224E).

ACTION: The Merit System Board directed that this appeal be denied.

B-67 CHARLES FARROW

Robert Armstrong, Chief Executive Officer, Woodbine Developmental Center, on behalf of Charles Farrow, appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the qualifying examination for Employee Relations Officer, Woodbine Developmental Center.

ACTION: The Merit System Board directed that this appeal be granted.

B-68 JAMES FAY

James Fay appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for the "dual title" Sheriff's Officer Sergeant/Training Officer (PC2637D), Monmouth County.

ACTION: The Merit System Board directed that this appeal be denied.

B-69 LILLIAN FOSTER

Lillian Foster appeals the determination of the Division of Selection Services, which found that she failed to submit the required transcript or degree for the open competitive examination for Employment Services Trainee (S0227E), Department of Labor and Workforce Development.

ACTION: The Merit System Board directed that this appeal be denied.

B-70 JOSEPH GARLAND

Joseph Garland, represented by James B. Garland, Esq., appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Mason (PC1578D), Middlesex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-71 DAVID GASKILL

Donna Ingram, Manager, Human Resources, Ancora Psychiatric Hospital, on behalf of David Gaskill, appeal the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Chief Operating Engineer 2 (PS9165K), Ancora Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be granted.

B-72 DAVID GLAZER

David Glazer appeals the determination of the Division of Selection Services that he did not meet the requirements for the open competitive examination for Principal Social Service Aide (S0240E), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-73 PATRICIA GORE

Patricia Gore appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and experience for the promotional title of Principal Fiscal Analyst (PS8569K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-74 IRIS GUZ

Iris Guz appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she was below the minimum requirements

in experience for the promotional examination for Administrative Analyst 4 (PS8024E), Department of Military and Veterans Affairs.

ACTION: The Merit System Board directed that this appeal be granted.

B-75 DIANE HERMANN

Diane Hermann petitions the Merit System Board for reconsideration of the decision rendered on February 11, 2004, which found that she did not meet the experience requirements for the promotional examination for Human Services Specialist 2 (PC1885D), Cape May County Board of Social Services.

ACTION: The Merit System Board granted the request.

B-76 MICHELLE HOPKINS

Michelle Hopkins appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and/or experience for the promotional examination for Technical Assistant, Personnel (PS8854K), Commission for the Blind and Visually Impaired.

ACTION: The Merit System Board directed that this appeal be granted.

B-77 JAMES HUGGINS AND HUI XING

James Huggins and Hui Xing appeal the determinations of the Division of Selection Services that they did not meet the requirements for the open competitive examination for Administrative Analyst 2, Data Processing (S6722E), Statewide.

ACTION: The Merit System Board directed that these appeals be denied but referred the classification of the appellant's positions to the Division of Human Resource Management for further review.

B-78 SABRINA HUNTER

Sabrina Hunter appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Administrative Analyst 2, Fiscal Management (PS0063K).

ACTION: The Merit System Board directed that this appeal be denied.

B-79 MARY JANE HUTCHISON

Mary Jane Hutchison appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Social Worker, Juvenile Rehabilitation (PC0205E), Ocean County.

ACTION: The Merit System Board directed that this appeal be denied.

B-80 JUNE HYATT

June Hyatt appeals the determination of the Division of Selection Services, which found that she did not meet the education and experience requirements for the promotional examination for Assistant Food Service Manager (PC0012B), Morris County.

ACTION: The Merit System Board directed that this appeal be granted.

B-81 JOSEPH KOSEK

Joseph Kosek appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Supervisor of Building Repairs 2 (PS8611K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-82 GREGORY KROL

Gregory Krol appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Chief, Bureau of Collections and Receivables (PS7312K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-83 ROBERT KUCABA

Robert Kucaba appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Tractor Trailer Driver (PM0592E), City of Perth Amboy.

ACTION: The Merit System Board directed that this appeal be granted.

B-84 MICHAEL LUTZ

Michael Lutz appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Housing Inspector (C6153F), Burlington County.

ACTION: The Merit System Board directed that this appeal be granted.

B-85 ANDREA MAHON

Andrea Mahon appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Executive Assistant 3 (PS8087H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-86 DONNA MAHON

Donna Mahon appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Executive Assistant 1 (PS7713G), Department of Environmental Protection.

ACTION: The Merit System Board directed that this appeal be granted.

B-87 LINDSEY MASON, JOHN MCHUGH, JR., WILLIAM MOORE AND MICHAEL MANGINE

Lindsey Mason, John McHugh, Jr., William Moore and Michael Mangine appeal the determinations of the Division of Selection Services that they did not meet the requirements for the open competitive examination for Administrative Analyst 2, Data Processing (S6722E), Statewide.

ACTION: The Merit System Board directed that these appeals be denied.

B-88 WAYNE D. MATHIS

Wayne D. Mathis appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Principal Engineer Transportation (PS7005T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-89 DONALD G. MCALLISTER

Donald G. McAllister appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in education for the promotional examination for Assistant Engineer (Civil) (PM1456E), Burlington Township.

ACTION: The Merit System Board directed that this appeal be granted.

B-90 MEG-ANNE MCCARTHY

Meg-Anne McCarthy appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education for the open-competitive examination for Public Health Consultant 2, Nutrition (S0259E), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-91 CARL K. MCCOLLUM

Carl K. McCollum appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Administrative Analyst 4, Data Processing (PS8097H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied but the classification of the appellant's position be referred to the Division of Human Resource Management for further review.

B-92 CYNTHIA MCCOY

Cynthia McCoy appeals the determination of the Division of Selection Services that she did not meet the requirements for the open competitive examination for Administrative Analyst 2, Data Processing (S6722E), Statewide.

ACTION: The Merit System Board directed that this appeal be denied.

B-93 XIOMARA MERCER-REED

Xiomara Mercer-Reed appeals the determination of the Division of Selection Services that she was not eligible for the open competitive examination for School Nurse (S9248F) based on her failure to submit an application by the announced closing date and to indicate the required certification.

ACTION: The Merit System Board directed that this appeal be granted.

B-94 JEFFREY MUESSIG

Jeffrey Muessig appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the title of Staff Clinical Psychologist 3, DMHS (S6664E), State of New Jersey.

ACTION: The Merit System Board directed that this appeal be granted.

B-95 PATRICIA MULFORD

Patricia Mulford appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Senior Buyer (PC1181E), Camden County.

ACTION: The Merit System Board directed that this appeal be granted.

B-96 KAROLE NICOLETTA

Karole Nicoletta appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Quality Assurance Specialist Health Services (PS8181K), Ancora Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be granted.

B-97 ARINI O. OTUN

Arini O. Otun appeals the determination of the Division of Selection Services that he did not meet the requirements for the open competitive examination for Substance Abuse Counselor 1, Mental Health/Alcoholism Services (S9167D), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-98 FRANK PALLARINO

Frank Pallarino appeals the determination of the Division of Selection Services that he did not meet the requirements for the open competitive examination for Administrative Analyst 2, Data Processing (S6722E), Statewide.

ACTION: The Merit System Board directed that this appeal be denied.

B-99 JOSEPH S. PARTYKA

Joseph S. Partyka appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Administrative Analyst 2 (PS7721H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-100 DEBBIE PAVLOVSKY

Debbie Pavlovsky appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and experience for the

open competitive examination for Senior Technician, Management Information Systems (MIS) (S6660E).

ACTION: The Merit System Board directed that this appeal be denied.

B-101 CARLOS PIZARRO

Carlos Pizarro appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the open competitive examination for Human Services Assistant 2 (Bilingual in Spanish and English) (C0491E), Gloucester County.

ACTION: The Merit System Board directed that this appeal be granted.

B-102 JILL PRUDEN

Jill Pruden appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Technical Library Assistant (S0180E), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-103 BEVERLY RANKIN

Beverly Rankin appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Management Assistant (PS8929P), Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be granted.

B-104 ANNELI RAUD

Anneli Raud appeals the determination of the Division of Selection Services that she failed to indicate possession of the license required for the open competitive examination for Dental Hygienist 1 (S9241E), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-105 GEORGE REED

George Reed appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Identification Officer (S0158E), Statewide.

ACTION: The Merit System Board directed that this appeal be denied.

B-106 RUI REGUINHO

Rui Reguinho appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the open competitive examination for Administrative Analyst 2 (Data Processing) (S6722E).

ACTION: The Merit System Board directed that this appeal be denied.

B-107 STEPHEN RIZZUTO

Stephen Rizzuto appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Assistant Engineer Transportation (PS0827T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be granted.

B-108 EVA RIVERA

Eva Rivera appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Human Services Assistant 2 (Bilingual in Spanish and English) (C0491E), Gloucester County.

ACTION: The Merit System Board directed that this appeal be denied.

B-109 ROBERT RUIZ

Robert Ruiz appeals the determination of the Division of Selection Services that they did not meet the requirements for the open competitive examination for Administrative Analyst 2, Data Processing (S6722E), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-110 RYAN SEIBERT

Ryan Seibert appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the open competitive examination for Agricultural Resource Specialist 3 (S6669E), Department of Agriculture.

ACTION: The Merit System Board directed that this appeal be granted.

B-111 SUDHA SHARMA

Sudha Sharma appeals the determination of the Division of Selection Services, which found that she did not meet the education and experience requirements for the promotional examination for Coordinator, Health Projects 3 (PS5986H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-112 JACQUELINE SMITH

Jacqueline Smith appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Contract Administrator 1 (PS6620K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-113 JOAN TAYLOR

Joan Taylor appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Accountant 3 (PS7065H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-114 NANCY TEHLIKIAN

Nancy Tehlikian appeals the determination of the Division of Selection Services that she did not meet the education requirements for the open competitive examination for Family Service Worker, Bilingual in Spanish and English (C0154D), Essex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-115 DIANNE TERRY

Dianne Terry appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Program Coordinator, Aging (PC1361E), Cumberland County.

ACTION: The Merit System Board directed that this appeal be granted.

B-116 JAMES TORNATORE

James Tornatore appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements for the promotional examination for Quality Assurance Specialist, Health Services (PS8181K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-117 JAMES TORNATORE, ET AL.

James Tornatore appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (PS8790K), Ancora Psychiatric Hospital. Leslie Sheppard and Theresa Winn appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (PS8790K), Ancora Psychiatric Hospital.

ACTION: The Merit System Board directed that these appeals be denied.

B-118 LORIE TRIANTOS

Lorie Triantos appeals the determination of the Division of Selection Services, which found that she was ineligible for the promotional examination for Administrative Analyst 2 (PS8790K), Ancora Psychiatric Hospital since the announced title did not represent a promotion.

ACTION: The Merit System Board directed that this appeal be denied.

B-119 MARISEL VAZQUEZ

Marisel Vazquez appeals the decision of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Head Procurement Clerk (PS9092G), Environmental Protection.

ACTION: The Merit System Board directed that this appeal be granted.

B-120 EVELYN WHITE

Evelyn White appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and experience for the promotional title of Principal Fiscal Analyst (PS8569K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-121 JAMES F. WHALEN

James F. Whalen appeals the determination of the Division of Selection Services that he did not meet the requirements for the open competitive examination for Substance Abuse Counselor 1, Mental Health/Alcoholism Services (S9167D), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-122 WANDA WILSON

Wanda Wilson appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Senior Health Aide (M6291E), City of Newark.

ACTION: The Merit System Board directed that this appeal be denied.

B-123 GLORIA YUFFRIDA

The appointing authority, on behalf of Gloria J. Yuffrida, appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the

promotional examination for Program Technician (PS0214Y), Office of Administrative Law.

ACTION: The Merit System Board directed that this appeal be granted.

B-124 CHARLES ZINGRONE

Charles Zingrone appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements experience for the promotional examination for Engineer In Charge of Maintenance 2 (PS8856K), Ancora Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be denied.

B-125 CASIMERO ANAS, ET AL.

Casimero Anas, Alvarado Francisco, and Elena Schell appeal their scores on the promotional examination for Auditor 2, Taxation (PS8367U), Department of the Treasury.

ACTION: The Merit System Board directed that these appeals be denied.

B-126 MAURICE BULLOCK

Maurice Bullock appeals the scoring of the open competitive examination for Fire Fighter (M9999E).

ACTION: The Merit System Board directed that this appeal be denied.

B-127 GEUN HO NA

Geun Ho Na appeals his score on the promotional examination for Assistant Supervisor, Roads (PC1702D), Burlington County.

ACTION: The Merit System Board directed that this appeal be denied.

B-128 ANTHONY LUCCARELLO

Anthony Luccarello appeals the scoring of the written teamwork portion of the open competitive examination for Fire Fighter (M9999D).

ACTION: The Merit System Board directed that this appeal be denied.

B-129 SANDRA MAGLIONE

Sandra Maglione appeals her score on the promotional examination for Supervising Administrative Analyst (PS2643U), Department of the Treasury.

ACTION: The Merit System Board directed that this appeal be denied.

B-130 KEITH MCMILLAN

Keith McMillan appeals his rank and score and the examination review for County Correction Sergeant (PC2629D), Hudson County.

ACTION: The Merit System Board directed that this appeal be denied.

B-131 JOHN WILLIAMS

John Williams appeals his score on the promotional examination for Supervisor, Water Meter Reading (PM1073E), City of Newark.

ACTION: The Merit System Board directed that this appeal be granted.

B-132 VLADYMYR ASTE

Vladymir Aste appeals the administration of the written teamwork portion of the examination for Fire Fighter (M9999E).

ACTION: The Merit System Board directed that this appeal be denied.

B-133 CLARIVEL COLON, ET AL.

Clarivel Colon, Maria Constantine, Sharon Edwards, Eric Fava, Sean Gorman, Raymond Jordan, Steven Mazurek, Gino Rosa, Barry Schreiber, Amber Simons, and Scott Yorkus appeal the administration of the promotional examination for Auditor 2, Taxation (PS8367U), Department of the Treasury. Constance Mester, represented by Virginia Wolf Communications Workers of America, Local 1034, also appeals the administration of the promotional examination for Auditor 2, Taxation (PS8367U), Department of the Treasury.

ACTION: The Merit System Board directed that these appeals be denied.

B-134 STEVEN MAFFEI

Steven Maffei appeals the test administration for the oral portion of the examination for Fire Lieutenant (PM2507E), Ridgewood.

ACTION: The Merit System Board directed that this appeal be denied.

B-135 MAURICE WILSON

Maurice Wilson, represented by Thomas Canzanella of the Professional Firefighters Association of New Jersey, appeals the administration of the promotional examination for Deputy Fire Chief (PM3506F), Camden County.

ACTION: The Merit System Board directed that this appeal be denied.

B-136 FAROUK AFRASIABI

Farouk Afrasiabi, represented by Adam Liebttag, Communications Workers of America, Local 1034, requests a make-up of the promotional examination for Supervising Environmental Specialist (Waste Management) (PS9682G), Department of Environmental Protection.

ACTION: The Merit System Board directed that this appeal be denied.

B-137 JOSEPHINE CHEGE

Josephine Chege requests a make-up for the promotional examination for Human Services Technician (PS5962K), Greystone Park Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be denied.

B-138 SCOTT HILTNER

Scott Hiltner appeals the determination of the Division of Selection Services, which denied his request for a make-up examination for Parole Officer Recruit (S2035E), and Probation Officer (S0148E).

ACTION: The Merit System Board directed that this appeal be denied.

B-139 RICHARD HOPKINS

Richard Hopkins requests a make-up of the promotional examination for Assistant Crew Supervisor Highway Construction and Bridges (PS9237T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be granted.

B-140 JOHN KANE AND LINDSEY PAGE

John Kane and Lindsey Page appeal the determination of the Division of Selection Services which denied their requests for a make-up examination for Correction Sergeant (PS5613I), Department of Corrections.

ACTION: The Merit System Board directed that these appeals be denied.

B-141 NARAYAN MAJUMDAR

Narayan Majumdar appeals the determination of the Division of Selection Services denying his request for a make-up examination for the promotional examination for Principal Engineer Transportation (PS7037T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be granted.

B-142 RENEE PISELLO

Renee Pisello appeals the determination of the Division of Selection Services, which denied her request for a make-up examination for Correction Sergeant (PS54613I), Department of Corrections.

ACTION: The Merit System Board directed that this appeal be granted.

B-143 EDITH VOYTICKI

Edith Voyticki requests a make-up of the open competitive examination for Legal Secretary 2 (S0177E).

ACTION: The Merit System Board directed that this appeal be denied.

B-144 ARACELI CABRAL

Araceli Cabral appeals the validity of the promotional examination for Financial Examiner 1 (PS8038L), Department of Banking and Insurance.

ACTION: The Merit System Board directed that this appeal be denied.

B-145 MADALINE GREENE

Madaline Greene appeals the determination of the Division of Selection Services that she filed an application after the announced closing date for the promotional examination for Project Engineer Planning (PS7029T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be granted.

B-146 CAROL LABARBERA

Carol LaBarbera requests that the provisions of N.J.A.C. 4A:4-2.1(e) be relaxed to accept her late application postmarked after the announced closing date for Motor Vehicle Operator Elderly and Handicapped Persons (M6199E), North Brunswick Township.

ACTION: The Merit System Board granted the request.

B-147 EUGENIA ROBERTIELLO

Eugenia Robertiello requests that the provisions of N.J.A.C. 4A:4-2.1(e) be relaxed to accept her late application after the announced closing date for the open competitive examination for Emergency Medical Services Technician (S6699E).

ACTION: The Merit System Board denied the request.

B-148 RUTH J. STANKIEWICZ

The Deptford Township Library appeals the determination of the Division of Selection Services, which found that Ruth J. Stankiewicz was not eligible for the promotional examination for Senior Library Assistant (PM1878E), Deptford Township Library, based on her failure to submit an application by the announced closing date.

ACTION: The Merit System Board directed that this appeal be granted.

B-149 GERRY WASHINGTON

Gerry Washington requests that the provisions of N.J.A.C. 4A:4-2.1(e) be relaxed to accept his late application postmarked after the announced closing date for the open competitive examination for Printing Operations Technician 1 (S6712E).

ACTION: The Merit System Board denied the request.

B-150 RAYMOND WRIGHT

Raymond Wright appeals the determination of the Division of Selection Services that he filed a late application, postmarked after the announced closing date for the promotional examination for Senior Therapy Program Assistant (PS5684K), Hunterdon Developmental Center.

ACTION: The Merit System Board directed that this appeal be denied.

B-151 JEFFREY PURI

Jeffrey Puri requests admittance to the open competitive examination for Probation Officer (S0148E).

ACTION: The Merit System Board directed that this appeal be denied.

B-152 EDWARD BROWN, ET AL.

The Township of Monroe requests that the provisions of N.J.A.C. 4A:4-7.1A(c) be relaxed in order to process the intergovernmental transfer of Edward Brown, Joseph Clidy, and Jules Maiorano from the title of Sheriff's Officer, Gloucester County to the title of Police Officer, Monroe Township.

ACTION: The Merit System Board granted the request.

B-153 JOSEPH PAGLIONE

The Township of Ewing requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Joseph Paglione from the title of Sheriff's Officer, Mercer County Sheriff's Office, to the title of Police Officer, Township of Ewing.

ACTION: The Merit System Board granted the request.

A-154 AUDITOR 3, DEPARTMENT OF TRANSPORTATION

The Director, Human Resource Management, on behalf of the Department of Transportation (DOT), requests that the out-of-title work experience and educational courses completed by 12 employees involved in a Special Auditor 3 Program be accepted to qualify them for provisional appointments to the title of Auditor 3 and for a prospective promotional examination for that title.

ACTION: The Merit System Board granted the request.

B-155 FRED HOYT

The Manager, Division of Human Resource Management, on behalf of the Department of Public Works, Bergenfield Borough, requests that Fred Hoyt's out-of-title work experience be accepted to qualify him for the promotional examination for Supervisor, Parks (PM1260E), Department of Public Works, Bergenfield Borough, and all future related examinations.

ACTION: The Merit System Board granted the request.

B-156 JEFFREY BOOTH AND JEAN PETERSON

Jeffrey Booth and Jean Peterson, represented by David J. Kenny, Esq., petition the Merit System Board for reconsideration of the decision rendered on February 11, 2004 (*In the Matter of Felix Arbula-Billena, et al.*) which found that they did not meet the education and/or education and experience requirements for the open competitive examination for Network Administrator 1 (S6635E).

ACTION: The Merit System Board denied the request.

B-157 CLAUDIA DELIGNE

Claudia Deligne petitions the Merit System Board for reconsideration of the decision rendered on February 11, 2004, which found that she filed her application after the announced closing date for the promotional examination for Teacher, Early Childhood Education Bilingual in Spanish and English (PM0101E), City of Plainfield.

ACTION: The Merit System Board denied the request.

B-158 DEBORAH FITZGERALD

Deborah Fitzgerald petitions the Merit System Board for reconsideration of the decision rendered on November 19, 2003 which found that she did not pass the promotional examination for Personnel Assistant 1 (PS7028Q), Office of the Public Defender.

ACTION: The Merit System Board denied the request.

B-159 CARMINE RUSSO

Carmine Russo, represented by Alan L. Zegas, Esq., requests reconsideration of the Merit System Board's September 25, 2002 decision denying his eligibility for the examination for Deputy Police Chief (PM4020C), Newark. This matter was held over from the Merit System Board meeting of March 24, 2004.

ACTION: The Merit System Board granted the request in part.

B-160 POLICE SERGEANT (PM3213S), CITY OF CAMDEN

Melvin R. Primas, the Chief Operating Officer of the City of Camden, represented by Frank A. Salvati, Assistant City Attorney, petitions the Merit System Board for revival of the Police Sergeant (PM3213S), City of Camden, eligible list.

ACTION: The Merit System Board granted the request.

B-161 REPROPOSED AMENDMENTS TO N.J.A.C. 4A:6-1.11 MILITARY LEAVE

It is recommended that the repropoed amendments to N.J.A.C. 4A:6-1.11, Military Leave be approved for publication in the New Jersey Register and on the Department's website for public notice and comment.

ACTION: The Merit System Board approved the repropoed amendments for publication.

B-162 PROPOSED AMENDMENTS TO N.J.A.C. 4A:5-1.1 VETERANS PREFERENCE

It is recommended that the proposed amendments to N.J.A.C. 4A:5-1.1, Veterans Preference be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

ACTION: The Merit System Board approved the proposed amendments for publication.

B-163 PROPOSED AMENDMENTS TO N.J.A.C. 4A:6-1.2 VACATION LEAVE

It is recommended that the proposed amendments to N.J.A.C. 4A:6-1.2, Vacation Leave be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

ACTION: The Merit System Board approved the proposed amendments for publication.

B-164 RECENT COURT DECISIONS

Submitted for the Board's review are copies of decisions as follows: *In the matter of Patrick M. Tortorello, Jr., County Correction Officer (S9999A), County of Essex (Appellate Division, decided 6/1/04); In the Matter of LaSaunia Simpson v. Essex County (Appellate Division, decided 6/4/04); In the Matter of Rashid Abdunafi v. New Jersey Department of Corrections (Appellate Division, decided 6/7/04); In the Matter of Donald Cole, et al., Conservation Officer 2 (PS9181G), Department of Environmental Protection (Appellate Division, decided 6/7/04); In the Matter of Kevin Freibott (Appellate Division, decided 6/10/04); In the Matter of Jesse James Baldwin (Appellate Division, decided 6/11/04); In the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M6278O) and Code Enforcement Officer (M00410), City of Jersey City; and In the Matter of James E. Ganley and Code Enforcement Officer (M00410), City of Jersey City (both Appellate Division, decided 6/15/04); In the Matter of Patrick Russo (Appellate Division, decided 6/18/04); and In the Matter of Patrick Johnston, Code Enforcement Officer/Program Monitor (M6856D), City of Jersey City (Appellate Division, decided 6/21/04).* Brief summaries of the cases are provided.

ACTION: The Merit System Board noted the decisions.

B-165 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of July 14, 2004 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of July 14, 2004.

B-166 MELACINA FRAZIER

Melacina Frazier, an Instructional Trade Instructor 1, Cooking, at New Lisbon Development Center, Department of Human Services (DHS), appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-167 ROBERT MARCUS

Robert Marcus appeals the administration of the examination for Assistant District Parole Supervisor, Juvenile Justice (PS0857P), Juvenile Justice Commission.

ACTION: The Merit System Board directed that this appeal be granted.

B-168 SHOSHANNA CLARY

Bev Guz, Manager, Human Resources, Woodbridge Developmental Center, on behalf of Shoshanna Clary, requests that the provisions of *N.J.A.C. 4A:4-23(b)(3)* be relaxed to accept her late application after the announced closing date for the open competitive examination for Social Worker 2 (S0172E).

ACTION: The Merit System Board denied the request.

B-169 EARLY SETTLEMENTS

In the Matter of Paul Jones
Montclair State University
Resignation not in good standing

In the Matter of Kevin Kilmurray
Department of Transportation
Seven-day suspension

In the Matter of Dora Salgado
Vineland Developmental Center
Six-day suspension

In the Matter of Levern Scott
Newark Housing Authority
Resignation not in good standing

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, September 8, 2004 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

FLAVELLA BRANHAM
MERIT SYSTEM BOARD